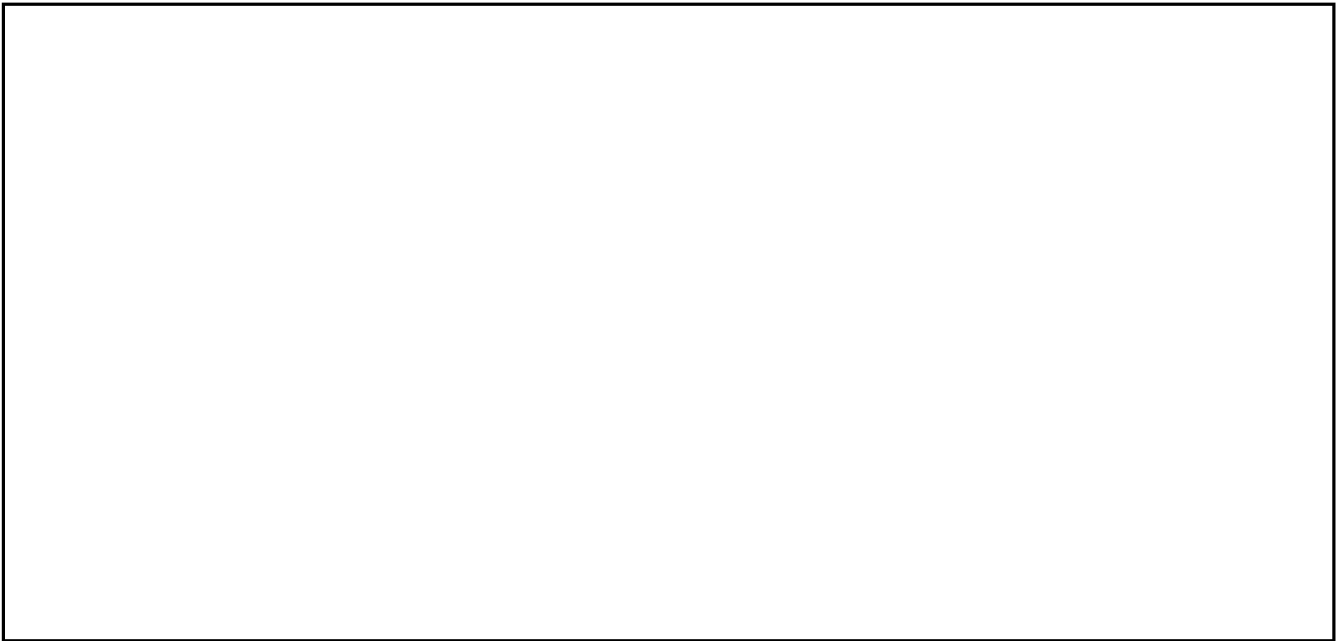


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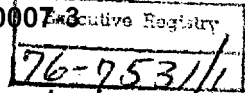
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State Dept. review completed

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DEPARTMENT OF STATE

Washington, D.C. 20520

NSC UNDER SECRETARIES COMMITTEE

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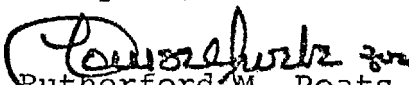
NSC-U/SM-160D

July 14, 1976

TO: The Deputy Secretary of Defense -
 The Assistant to the President for
 National Security Affairs
 The Director of Central Intelligence
 The Chairman of the Joint Chiefs of Staff
 The Deputy Secretary of the Treasury
 The Under Secretary of Commerce
 The Under Secretary of Health, Education
 and Welfare
 The Under Secretary of Transportation
 The Special Trade Representative
 The Chairman, Council on Environmental
 Quality
 The Administrator, Environmental Protection
 Agency
 The Director, Arms Control and Disarmament
 Agency
 The Director, National Science Foundation
 The Director, United States Information
 Agency
 The Acting Executive Director, Council on
 International Economic Policy

SUBJECT: Third Quarterly Report on Implementation of
 the Final Act of the Conference on Security
 and Cooperation in Europe (CSCE)

Attached for your comment and/or concurrence
are a draft Memorandum for the President and the Third
Quarterly Report on the Implementation of the Final
Act of the CSCE. Your response, which may be telephoned
to Mr. John Maresca, Department of State, 632-1358,
is requested by c.o.b. Friday, July 23, 1976.


Rutherford M. Poats
Acting Staff Director

Attachments:

As stated

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NSC UNDER SECRETARIES COMMITTEE

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MEMORANDUM FOR THE PRESIDENT

Subject: Third Quarterly Report on Implementation of the Final Act of the Conference on Security and Cooperation in Europe (CSCE)

This is the third quarterly report submitted by the NSC Under Secretaries Committee on implementation of the provisions of the Conference on Security and Cooperation in Europe (CSCE). It covers the period February 1-April 30, 1976, and reports those actions related to the CSCE which have been taken since the end of the last reporting period.

Implementation continues to be an extended form of negotiation on East-West lines, with each side seeking to establish its interpretation of the provisions of the Final Act and to position itself advantageously for the follow-up meetings scheduled to begin in Belgrade in June 1977. The approach of East and West to this broad negotiation clarified during the reporting period as CSCE participant states began to think more actively

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about the Belgrade meetings and to relate those meetings to their present actions.

The Soviet Union and its allies have acted along predictable lines. The Soviets have continued to take modest steps to implement a few of the provisions of the Final Act, albeit at a slower pace than in the last quarter. They have also displayed heightened sensitivity to charges that they are giving short shrift to Basket III. At the same time they are attempting to deflect criticism by going over to the offensive in four areas: polemical-style criticism of the West for its alleged failures in implementing Final Act provisions; reinterpretation of the document to suit their own negotiating positions and Communist ideology; exaggeration of their own implementation efforts; and an attempt to shift the focus of public attention away from the concept of implementation toward the idea of the CSCE process as part of a developing and progressing trend in European relations set in motion by the Soviets' so-called Peace Program. The Eastern European states, whose internal policies on humanitarian and information subjects vary but are generally somewhat less severe than those of the USSR, have, with the exception of Romania, followed the Soviet lead in their positions on CSCE issues.

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Neither the Soviet Union nor its Eastern allies took any significant new implementation steps during the reporting period, but modest progress was registered in a few areas. There was a marked increase in emigration from the USSR to the US which appears to be continuing, though this was probably a function of various pressures in addition to the CSCE. Soviet Jewish emigration was up twenty per cent in comparison to last year's levels, though it remains far below the 1972-1973 peak reached before the Jackson-Vannik amendment was passed. Greatly increased emigration by ethnic Germans from the USSR and Poland to the FRG, while related to the CSCE, is largely due to the recent Polish-FRG emigration/credits treaty and bilateral FRG-Soviet considerations. The Soviet Union continued to comply with the Final Act's Confidence Building provisions on major military maneuvers through notification, shortly after the end of the reporting period, of a 25,000 man maneuver held near Leningrad, to which the USSR invited observers from countries in the immediate area. Some progress was also made on increasing the number of direct contacts between US and Soviet institutions, but our own ability to follow-up on opportunities continued to

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be limited by lack of funds. A Soviet dissident group has been formed to monitor the Soviet Government's compliance with CSCE provisions, especially those relating to human rights. Slower implementation progress during the reporting period may reflect Moscow's intention to husband possible further implementation steps until the months leading up to the Belgrade meetings next year.

Soviet and Eastern European efforts to take the offensive on CSCE implementation have been carried out principally through a broad program of propaganda supporting official government statements and initiatives pursued bilaterally and in multilateral forums. The Soviets have also taken a more polemical posture in our previously businesslike private bilateral exchanges. They have advanced interpretations of the CSCE provisions which often do not accord with the language of the Final Act or its negotiating history. The views they have expressed on the legal nature of the Final Act, on several principles, such as inviolability of frontiers and non-intervention in internal affairs, and on a variety of issues relating to

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Basket III, all demonstrate this tendency to reinterpret and to distort the significance of the Final Act. When it serves their purpose the Soviets have suggested that the principal of reciprocity, which is mentioned in the Final Act only in relation to a few specified points, extends to all of Basket III. More specifically, they have alleged that the provisions of Basket III impose restraints on the activities of journalists and radio broadcasting stations. For examples, the Soviet Foreign Ministry Press Chief said in an interview that "the decisions of the Helsinki Conference... call upon journalists to promote through their profession and skill the creation of a genuine atmosphere of respect and trust among peoples," which is in contradiction to the Final Act commitment that governments should "facilitate the freer and wider dissemination of information of all kinds." In their complaints about our refusal of visas to Soviet trade union leaders the Soviets have claimed that we are violating Final Act provisions, although there are no specific references to trade union exchanges in the Final Act. In fact we carefully eliminated such references

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during the CSCE negotiations so as to avoid any basis for the charges the Soviets are now making.

The Soviets have played up examples of their own implementation, even when these do not derive directly from the CSCE. They have stressed Brezhnev's grandiose proposal for conferences on transportation, energy and the environment, their announcement of two major military maneuvers and invitations to observers, and the procedural changes on journalists' visas and on emigration applications, which were covered in previous reports. They have also stressed the large amount of Western cultural material used in the USSR and Eastern Europe, in comparison with Soviet and East European material used in the West. At the same time, the Soviets have accused the West of neglecting implementation in these areas, largely on the grounds that there should be strict reciprocity in exchanges of cultural materials between states. They have also claimed that the Final Act was not widely circulated in the West and have focused on specific incidents in which they allege the CSCE has been ignored, such as our visa policies and alleged interference in the Italian political campaign. These themes have increasingly been incorporated into Soviet

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responses to our demarches to them on CSCE implementation. The most recent Soviet response was couched in a significantly sharper and more accusatory tone.

In fact, the US implementation record is generally excellent. Among several recent US implementation activities were meetings between government and publishing industry representatives to discuss implementation of CSCE provisions relating to books. We believe that our emphasis on patient and persistent efforts toward meaningful implementation remains the most valid approach to the Conference and its results. However, the application of US laws concerning visas and the possibility that our consular fees may be raised could make us vulnerable to criticism for failure to carry out the CSCE provisions faithfully, and thus give the Soviets a pretext for non-compliance and render it difficult for us to press for maximum implementation. We are also forced to forego opportunities for broadening cultural exchanges because of the reduced availability of funds from private and government sources.

The US and other Western countries have maintained their insistence on the need for meaningful implementation

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of the Final Act, and implementation remains the central theme of the Western approach to the post-Helsinki period. We understood from the outset that the CSCE would not lead to a fundamental transformation of the internal structure of communist governments, and that patient efforts would be required to bring about implementation of the commitments contained in the document signed in Helsinki. This has been the rationale underlying our bilateral approaches to the Soviet Union and other East European countries where we have sought to use the CSCE provisions in support of our broad foreign policy goals.

In addition to our bilateral approaches, we have worked in multilateral forums such as the ECE to focus on certain specific areas where early implementation is possible. In all our activities we have stressed that the degree to which the CSCE has been implemented will be a key factor in the development of our approach to the Belgrade follow-up meetings at which a review of implementation will take place. In pursuing our efforts,

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we have continued a pattern of close consultation with our Allies in order to maintain the essential Western unity which made a successful CSCE possible.

With one year remaining before the Belgrade meetings, CSCE countries have begun to look ahead and to prepare for them. Consultations among CSCE participants have already begun, initially among the neutral states which have the deepest interest in a continuing follow-up mechanism of some kind. The follow-up meetings offer useful leverage in our efforts to encourage implementation. Since the CSCE was originally a Soviet proposal, the Soviets retain an overall interest in making the Final Act of the Conference a document of historical significance. They are well aware that the Final Act is viewed with great skepticism in the West and that Western acceptance of the value of the CSCE depends on the performance of the USSR and its Allies in the area of freer movement of people and ideas. We have been using these factors to encourage Soviet compliance.

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A joint Legislative-Executive Commission to monitor the results of the CSCE has been established as the result of a Congressional initiative. This Commission, the legislation for which you signed into law on June 3, has the responsibility not only for monitoring implementation actions, but also for encouraging programs and activities to implement the Final Act.

Deep skepticism remains regarding Soviet intentions to carry through on their commitments in any significant way. We continue to press the Soviets and the Eastern European states for meaningful implementation of the Final Act as the key to developing positive US attitudes toward the CSCE and a more favorable climate for US-Soviet relations.

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